

Editor.
DAY, : : MAY 15, 1869.

FOR THE LEGISLATURE

We are authorized to announce Dr. G. S. MILES, of Fulton, as a candidate for reelection to the Lower House of the State Legislature.

State Aid to Railroads—The Paducah Herald Again.

The Paducah Herald is astonished that the COURIER should have fallen into the error of supposing that the proposition of giving State aid to railroads is a question of party as well as of policy—because it says "some of the best Democrats that Kentucky ever had were friends of a liberal and equal system of State Improvements," and because "some of the best and truest Democrats that Kentucky now boasts are the ardent friends of railroad improvements." These two propositions may be true, but we still hold to the opinion that State aid to Internal Improvements was opposed by the Democratic party of Kentucky when our present public debt was being contracted, and the scheme now advocated by the Herald, is not in accordance with the ancient doctrines of Democracy, no matter how many good democrats may be found among its friends and advocates. James Guthrie, who is good authority with the Herald, and who was one of the anti-internal improvement Democrats, in an address made by him in the Constitutional Convention, reported in the debates of that body, page 760, after stating that he had voted for the system of internal improvements then being denounced as reckless and extravagant, said that in

"Looking over the acts of the State, the records, I find that I differed with a large portion of my own political friends, and was the found voting generally in the ranks of our opponents, and often have I met the charge, that in authorizing that expenditure, under their management as it generally was, I had aided and assisted them in pursuing the means to strengthen and perpetuate their power in the State."

Yes, Mr. Guthrie, the internal improvements by the State, differed with his political friends who were his opponents, and who were Whigs, and who were doing had to give to the Whigs, and yet he says, internal improvements were never opposed by the party, and was never a question of party.

It is not a question of party, but of principle. The question is, whether it is the duty of the State to create a debt for the purposes of Internal Improvements, it also requires that a tax shall be laid and collected annually, sufficient to pay "the interest stipulated, and to discharge the debt within three years." This tax is not for the general purposes of government, but is laid and collected for a specific purpose—and is to all intents and purposes a specific tax, it must therefore be germane to the objects and purposes of the government. Now we ask the Herald in all candor is the construction of railroads and turnpikes one of the objects and purposes for the accomplishment of which our State government was created? We are confident the answer will be in the negative, and therefore, this not being one of the objects of the government all taxes collected for any such purpose will in the language of the Chief Justice of the State, be a "Legislative spoliation" and we are confident the Herald favors no proceeding to which this term can be legitimately applied.

The Herald abandons the idea of loaning the credit of the State to railroad corporations, and claims that the friends of State aid are not in favor of anything of the kind—unwilling that the bill they attempted to pass through the Legislature last Winter, provided that bonds of the State should be given to railroad companies in exchange for their own. It seems from the Herald, these friends now wish to invest in the improvements, and to take a mortgage upon the whole road at the time she pays over her money, as security for her investment. This will certainly be a novel investment. If the State pays for one third of the stock, then she becomes the owner absolutely of one third of the road, and has no right to ask a mortgage on anything to secure her investment; because she gets all she pays for, and needs no further security. If she pays one third of the expenses of the building of the road, upon an agreement that the amount so paid is to be refunded, then she becomes a money lender, and can rightfully ask for a mortgage on the whole road. But is money lending one of the objects for which the State government was created? If the State invests her bonds in the construction of the road, and takes a mortgage on the road to secure the re-payment by the company of the amount of said bonds, then she has loaned her credit in direct violation of the Constitution. All these difficulties grow out of the fact that the friends of the bill are not willing to disregard

by the second section of our bill of rights, and according to the third section of the bill of rights existed before and is higher than any constitutional sanction. Yet, the Herald insists in effect, that for the mere purposes of speculation, in order that the aggregate wealth of the State may be increased, that this absolute right of the citizen, placed by the Constitution on an equal footing with his right to life and liberty, is held at the mere will of the majority; that three fifths of the voting population of the State, can, without violating the letter or spirit of the Constitution, levy an annual tax of ten dollars upon every one hundred dollars worth of property in the State, and expend the whole amount thus raised, in constructing internal improvements for the sole and exclusive benefit of themselves. In other words, that the minority may be hopelessly and irretrievably ruined by the majority, by a tax levied, collected, and expended, in exact conformity with the Constitution of our State.

We maintain that the State government has no such power; that no majority however great, can arbitrarily deprive the citizen of the right to control his property, and invest his money in such manner as he may see proper. That any attempt upon the part of the majority to force any number of citizens to invest their money in any general system of internal improvement, would be an attempt to exercise an absolute and arbitrary power over their property, and in direct conflict with the 24 section of the bill of rights.

We insist that the Herald is mistaken in supposing that our Appellate Court has ever decided in favor of the constitutionality of State aid to Internal Improvements. No decision of this Court goes further in that direction than the majority opinion in the celebrated case of Slack, &c., against the Maysville and Lexington Railroad Company, and nothing is therein decided, except that the Legislature may compel local contributions by way of taxation to the accomplishment of purposes of local necessity or convenience. Nothing is said on the subject of general taxation for local purposes, or for any purposes of Internal Improvement. Under the ruling in this case, Court houses, gas work, &c., may be built, and dirt roads improved, by the local community to be benefited thereby, and still it may be unconstitutional and tyrannical to tax the people of McCracken county to build a railroad from Covington to Cumberland Gap. So far as common schools are concerned, the 14th article of the Constitution provides that the State shall provide for the support of the common schools.

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the same time appear to keep within the letter. It may be that the constitutionality of the proposed measure, is sustained by every lawyer of any ability in the Herald's particular locality, but there are lawyers of distinguished ability within the range of our acquaintance, who agree with us, that the "great measure," can only be carried out by an utter disregard of the Constitution.

We are sorry to be compelled to differ with our friend of the Herald, but with our present convictions, we cannot fail to do all in our power to prevent the adoption by the people of a scheme, which in our opinion will end in financial ruin to our State.

The Paducah Herald, Columbus Dispatch and Hickman Courier.

"The Columbus Dispatch, of the 29th, in speaking of the relative position of the Paducah Herald and Hickman Courier on the question of State Aid, says: 'Some time ago the Courier very sensibly commended Dr. Miles' bill providing State aid for protecting the bank at Hickman. From some of the articles now appearing in the Herald, it is evident that the Courier would regard such a bill as a proposal to rob the people of Kentucky.'"

"This shows the consistency of the Hickman Courier, and the higher right, but it is a little astonishing how interest will sometimes effect our editorial vision. Some time ago the Courier very sensibly commended Dr. Miles' bill providing State aid for protecting the bank at Hickman. From some of the articles now appearing in the Courier one would suppose he would regard such a bill as a proposal to rob the people of Kentucky."

As a rule, we think the policy of granting State aid to railroads or other corporations or individuals, is injurious—yes, ruinous—to the State, but there may be contingencies when it is right and proper, but these seldom occur.—Columbus Dispatch.

The Courier's approval of Dr. Miles' bill and its opposition to the system of State aid urged by the Herald involves no inconsistency. Dr. Miles' bill asked protection to property already created and acquired. The system of internal improvements urged proposes with the people's money to create wealth for, and to enhance the value of property in certain localities. The first is within the purposes of government, and the latter is not. The property of the people of Hickman and Columbus and their Bottom surroundings is threatened with destruction, and it is a duty the State government owes these citizens to protect and preserve their property from destruction. It is not the object of the Miles bill to increase the value of Hickman or Columbus property, or to make wealth for any man or set of men, but to save property already made.

We care not to deny we viewed Dr. Miles' bill somewhat through Hickman spectacles, precisely as the Herald now views the whole question through Paducah glasses, and yet we at no time argued the bill "strictly within the limits of the Constitution." We found the last session of our Legislature engaged in making special appropriations, to Green, Barren, and Kentucky rivers, etc., and believing, as in the past, thousands of dollars would be appropriated to improvements in Central Kentucky, we acknowledge no inconsistency in having approved an effort to obtain for Hickman, Columbus, and Uniontown, an equal dividend inasmuch as we are always called upon to pay the taxes. If the people of the State, or amendment to the Constitution or otherwise shall engage in the Internal Improvement system advocated by the Herald, we shall certainly claim all the help we can get for our section, notwithstanding, we know from the past, we shall get but little or none. The Herald some weeks ago indulged in high eulogy upon the late Legislature, assuming its special defense, and in candor, we ask, how he justifies the defeat of the Hickman, Columbus, and Uniontown bills, and yet approve the appropriations to Green, Barren, and Kentucky rivers, etc? The Herald, some days ago, went outside of legitimate discussion, to inform its readers that the RADICAL Governor of Illinois had vetoed the Internal Improvement bill of that State. Why not also state that the RADICAL Legislature passed it over his head? Why not, also, state that the Democratic Governor of Kentucky vetoed the Uniontown bill?

OUR LEADING MEN.—Col. Chris. Holt, senator from Calloway, Hon. Oscar Turner senator from Ballard, Hon. Wm. Lindsay of our own district, and every member of the Lower House of the last Legislature from the Purchase, except Ogilvie of Paducah, are, we are informed, opposed to State aid to railroads, and will work earnestly to defeat the proposition before the people at the coming election. We understand, also, that Judge Ed Crossland, of the Court of Common Pleas, Judge A. R. Boon, of the Circuit Court, and a large number of other leading men of the District, are opposed to the tax, though they may take no active part in the matter. We do not think a single member will be elected in the District in favor of the proposition.

Gen. W. Duke, has consented to become a candidate for the Legislature, in Louisville.

Position of the Paducah "Kentuckian."

The Paducah Kentuckian is unduly sarcastic over an editorial of ours, and accuses us of mistating its position. We certainly have no such desire. The deductions of the COURIER were from a careful reading of the Kentuckians, and we think were logical and correct. However, to do ample and full justice, we publish the Kentuckian's own statement of its position. Referring to our article it says:

"This is the most disingenuous statement of our position that could have been made, and but for the high opinion we had conceived of the editor of the Courier, would not be worthy of notice. We said in the article referred to, 'we endorse all the State aid, and the benefit to be derived from it.' And we say now, we have never given a State with so great natural resources, so far behind in improvements as Kentucky is to-day, and she needs all the aid she can get from the State or otherwise to develop her resources—but in no 'other article' in the same paper, or in any other paper, or on any other occasion, or at any other time, does the Kentuckian recommend Kentucky to create a similar debt.' On the other hand, our object was to convince the people of Kentucky that the Legislature had no power under the constitution to involve the State for internal improvements."

As we have frequently stated in the discussion of this question, we would be in favor of the State lending her credit, limitedly to railroads, that is to a few great, long-line roads, that would pay, if the construction did not directly prohibit it.—Paducah Kentuckian.

You endorse the necessity and admit the great benefits to be derived from State aid, regard the Constitution prohibitory, and yet do not favor the proposition? You are in favor of lending the State's credit, limitedly to railroads, "that is to a few great through lines that would pay," but admit that the Constitution directly prohibits it, and therefore acknowledge yourself not in favor of that? You fail to urge the calling of a convention to amend the Constitution, the only way whereby your objections can be removed, and we must therefore conclude you are not in favor of amending the Constitution. Now sir it is clear to see, what you are not in favor of. Please, try again, and tell your readers, what you are in favor of.

The Kentuckian is in favor of limited State aid—just a little—if it was constitutional. The position is something: the young girl accused of a bad act. "Oh, sir," said she, "it's such a little one."

We can forgive the Kentuckian's unprovoked reflections upon the habits of editors of Weekly papers, trusting such is not the editors real idea of courteous, dignified discussion. At least, we now have no taste or inclination to retort upon the pretensions of a swaddling dolly.

The People Not to Pay any Tax.

"Nor will this cost the people a single dollar of taxes, or any thing else. Not one cent will they ever have to pay. But on the contrary, it will do for us what it has done for other States—it will give to the State Treasury a revenue which will almost if not entirely relieve the people from taxation, even to pay the expenses of the State.—Paducah Herald."

Such words, unsupported by facts, will be wasted on intelligent readers. The experiment in Kentucky condemns your calculations as erroneous and mischievous. The people are not to be blinded to the fact that when the Legislature appropriates money they have to pay. Let us argue the question fairly, and countenance no humbuggery. Why the Constitution expressly requires that no debt over half a million shall be created without providing in the bill the means of payment in thirty years. Look at Gen. Preston's bill, and you will see tax all through it.

But, you say, the State is to derive an income from these internal improvements. Instance your Paducah and Gulf Road. It cost one and a quarter million dollars, and sold under mortgage for \$250,000; and McCracken county has to pay the interest on \$300,000, then the \$300,000, and we learn there is no provision made to pay the principal. The road has never paid even a dollar on the interest—but it has been paid ever since by taxation. Any income in the road is valuable to the house keeper.—[Guley's Lady's Book.] A very useful article.—[Am. Institute Report, 1867.] Address INDELBLE PENCIL CO.,

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